

REMARKS

Applicants have carefully studied the outstanding Office Action mailed 6 July 2009 and the Advisory Action mailed 8 September 2009. The present amendment is fully responsive to all points of rejection and places the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Applicants thank the Examiner and Supervisory Examiner Andrew Caldwell for the courtesy of a telephonic interview granted to Applicants' representative, David Zviel, registration number 41,392, on 16 September 2009.

In the interview, the substance of which is described in the Interview Summary, the rejections of claims 1 and 26 (and not claim 16 as indicated in the Interview Summary, apparently due to a typographical error) were discussed. The Examiner and Supervisory Examiner Caldwell pointed out that claims 1 and 26 are of different scope; that claim 1 is not limited to an MMS environment; and that prosecution of the present application might be expedited should claim 1 be amended to be limited to an MMS environment and to be more similar in scope to claim 26. The present amendment, as described more fully below, amends the claims along the lines suggested, in order to expedite prosecution of the present application.

Claims 1 - 14, 17 - 21, 26 - 42, 45 - 49, and 58 - 60 were pending in the present application before the present amendment.

The present amendment amends claims 1, 11 - 13, 26, 29, and 39 - 41, and cancels claims 2 and 30 without prejudice.

Thus, claims 1, 3 - 14, 17 - 21, 26 - 29, 31 - 42, 45 - 49, and 58 - 60 are pending in the present application after the present amendment.

Claims 19 and 47, which stood objected to under 37 CFR 1.75(c), as being of improper dependent form, in the Office Action mailed 6 July 2009 were amended to overcome the objection in the previous reply filed 2 September 2009. Therefore, the objection to claims 19 and 47 already has been overcome.

Claims 1, 3 - 14, 29, 31 - 42, and 58 - 60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Patent 7,003,551), in view of Shen et al (US Published Patent Application 2004/0098463).

Malik describes an e-mail system in which large attachments to e-mail messages can be replaced by pointers to attachment files in an e-mail store.

Shen et al describes a transcoding-enabled caching proxy and method, in which transcoded versions of a content object are cached in accordance with a caching strategy.

The traversal of the rejection of claims 1, 3 - 14, 29, 31 - 42, and 58 - 60 which was included in the response filed 2 September 2009 is respectfully maintained. Furthermore, Applicants do not agree with the positions taken in the Advisory Action mailed 8 September 2009. Nevertheless, in order to expedite prosecution of the present application, claims have been amended as indicated herein. Applicants reserve the right to pursue the claims, in their form before the present amendment, in the context of a continuing application.

Claim 1 has been amended by incorporating the recitation of claim 2 and has further been amended to indicate that the method of claim 1 occurs in an MMS environment. Dependent claims 11 - 13 have been similarly amended.

In addition to the arguments adduced in support of the patentability of previous claim 1 in the response filed 2 September 2009, it is respectfully pointed out that the combination now recited in amended claim 1 is neither shown nor suggested in Malik or in Shen et al, taken either separately or in combination.

Amended claim 1 is therefore deemed allowable.

Claims 3 - 14 and 58 - 60 depend directly or indirectly from claim 1 and recite additional patentable subject matter.

Claims 3 - 14 and 58 - 60 are therefore deemed allowable.

Claim 29 is a system claim parallel to claim 1, and has been similarly amended by incorporating the recitation of claim 30 and by indicating that the system of claim 29 operates in an MMS environment. Dependent claims 39 - 41 have also been similarly amended.

Amended claim 29 is deemed allowable with reference to the above discussion of the allowability of claim 1.

Claims 31 - 42 depend directly or indirectly from claim 29 and recite additional patentable subject matter.

Claims 31 - 42 are therefore deemed allowable.

Claims 2 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Malik, in view of Shen et al, in view of Warsta et al (US Published Patent Application 2004/0181550).

Warsta et al describes a system and method for providing previously adapted content to requesting network devices.

Claims 2 and 30 have been cancelled without prejudice.

Claims 17 - 21 and 45 - 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Malik, in view of Shen et al, in view of Kobata et al (US Published Patent Application 2002/0077986).

Kobata et al describes a system for controlling and managing digital assets, typically over the Internet.

Claims 17 - 21 depend directly or indirectly from amended claim 1 and recite additional patentable subject matter.

Claims 17 - 21 are therefore deemed allowable with reference to the above discussion of the allowability of amended claim 1.

Claims 45 - 49 depend directly or indirectly from amended claim 29 and recite additional patentable subject matter.

Claims 45 - 49 are therefore deemed allowable with reference to the above discussion of the allowability of amended claim 29.

Claims 26, 27, and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Malik, in view of Shen et al, in view of Kobata, in view of Evans et al (US Published Patent Application 2003/0172121).

Evans et al describes a system for providing multimedia messages to incompatible terminals, including transcoding the messages.

Claim 26 is an independent system claim including recitation similar to that discussed above with reference to the rejection of claims 1 and 29. Claim 26 has been amended to clarify the recitation thereof, similarly to the amendment of claims 1 and 29.

Amended claim 26 is therefore deemed allowable with reference to the above discussion of the allowability of amended claims 1 and 29.

Claims 27 and 28 depend from amended claim 26 and recite additional patentable subject matter.

Claims 27 and 28 are therefore deemed allowable.

The amendments to the claims are fully supported.

In the above discussion of the allowability of the claims, and particularly but not exclusively in the above discussion of the allowability of the dependent claims based on the allowability of the respective base claims, discussion of other arguments for allowability of the claims has been omitted in the interest of brevity and clarity. Should a further Official Action issue rejecting one or more claims, Applicant reserves the right to present further arguments.

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,

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HUSCH BLACKWELL SANDERS LLP
WELSH & KATZ
120 South Riverside Plaza, Suite 2200
Chicago, Illinois 60606
(312) 655-1500


L. Friedman
Reg. No. 37,135